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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			CHENCINSKI, SIEGFRIED E	
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			3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/508,496

Applicant(s)

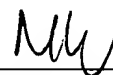
YAMAMOTO ET AL.

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 14, 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 11-12, 18-22, 36-38, 40-47, 49-55, 57, 58, 61 & 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazaridis et al. (US Patent 6,463,464, hereafter Lazaridis).

Re. Claims 1 & 11, Lazaridis anticipates a communication network comprising an information provider (IP) server, a plurality of user terminals, and a transfer device for routing information transmission between said information provider server and said user terminals; a push-type information transmission method performed by the transfer device comprising:

- registering at least a network address of the information provider with the transfer device; and registering at least a network address of a user terminal with the transfer device (The registrations in this claim are inherent to the

teaching of Lazaridis. This claim involves the transfer of data between two computers over a network. Addresses of the sending and receiving computers established and registered with the appropriate authority of the network are required for successful delivery of the information from the sending computer to the receiving computer. In this case the IP computer is the sender and the transfer device computer is both the receiving computer of the IP computer's information and also the sending computer of the information it in turn relays to the user's computer. Therefore we are dealing with three addresses, two of which have to be registered with the transfer device for successful relay of the IP's information to the user being targeted with the IP's information. The third network address is that of the transfer device. In other words, the transfer device must have registered in it the network addresses of the IP computer in order to receive the IP's transmission. The transfer device must also have registered in it the user computer's network address in order to retransmit that message to the targeted user. The registering of a sender's and receiver's network addresses is a necessary inherent step to be accomplished if a transmission is to successfully take place between two parties through an electronic network. Absent the registration of both the IP's and the user's network address with the ISP's transfer device the transfer device will be incapable of delivering the IP's transmission to the user. Absent the IP's registration with the transfer device, the transfer device will not recognize the IP server to receive the transmission, and, likewise, absent the registration of the user's network address with the transfer device the transfer device will not be able to transmit the IP's transmission to the user. By definition, the user will already be registered with the ISP's transfer device because users form the basis of the ISP's business and thus create the opportunity for selling the transfer service to IP's who want to pay to send information to users. The user's network address is established between the ISP and the user at the time of signup and can be modified through certain security procedures

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established by the ISP. An example of the use of the art of registering network addresses with a transfer device is in Kamakura et al., US Patent 6,047,310, Abstract, ll. 1-5, where the transfer device is called a distribution host));

- registering the user terminal by sending information regarding the user terminal from the transfer device to the information provider server (This is the inherent step noted supra);
- receiving, at the transfer device, information for at least one of the plurality of user terminals and information identifying the at least one of the plurality of user terminals from said information provider server (Col. 3, line 9);
- storing, at the transfer device, said information (Col. 3, lines 12-13);
- calling the at least one of the plurality of user terminals (Col. 4, lines 5-9), and
- transmitting from the transfer device the stored information in response to a request from said called user terminal (Col. 7, line 38 – Col. 8, line 5; particularly Col. 7, line 49).

Re. Claim 2, Lazaridis anticipates a push-type information transmission method as in claim 1, wherein registering said user terminal with the information provider server comprises pre-accessing said server device and registering a network address of the user terminal with said information provider server as a registration procedure for receiving an information transmission service offered by said information provider server, and wherein said information provider server provides information to user terminals which have completed said registration (Col. 7, line 31 – Col. 8, line 2).

Re. Claims 3 & 12, Lazaridis anticipates a communication network comprising an information provider server, a plurality of user terminals, and a transfer device for routing information transmission between said information provider server and said user terminals, a push-type information transmission method performed by said transfer device comprising:

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- storing identification information relating to user terminals which are to receive an information providing service offered by said information provider server (Col. 3, lines 12-13);
- modifying the identification information relating to the user terminals (Col. 3, ll. 14-30, 39-41; Col. 3, l. 62 – Col. 4, l. 4; Col. 4, ll. 5-25, 26-36);
- sending the modified identification information to the information provider server (Col. 3, ll. 14-17; 52-54; Col. 4, ll. 38-40; Col. 9, lines 41-47; Col. 9, l. 64 – Col. 10, l. 4);
- receiving information for transmission and a user terminal identifier from said information provider server (Col. 3, line 9);
- storing said information for transmission (Col. 4, lines 36-38);
- calling a relevant user terminal based on the stored identification information relating to user terminals, the modified identification information, and the user terminal identifier (Col. 4, lines 5-9; Col. 6, ll. 38-44 – user hardware including mobile telephone); and
- transmitting the stored information for transmission in response to a request from the called user terminal (Col. 2, lines 17-23, Col. 3, lines 14-17).

Re. Claims 18, Lazaridis anticipates a push-type information transmission method as in claim 1, wherein registering the user terminal with the information provider server comprises registering by the transfer device an address of the user terminal (Col. 7, lines 45-52).

Re. Claims 19, Lazaridis anticipates a push-type information transmission method as in claim 18, further comprising:

- registering a network address of the user terminal with the transfer device (Col. 7, lines 45-52);
- storing in a database of the transfer device the network address of the user terminal and a user management number (Storing – Col. 7, line 44),
- the user management number being correlated to the network address of the user terminal (User management number - Col. 9, line 46; the Command Message from the User – Col. 7, lines 40-42; Re. Correlating – The correlating

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function is an inherent and essential underlying programmed activity throughout the operation of Lazarides' "redirection" method and system (e.g. Col. 12, line 1 – Col. 14, line 30); and

- wherein registering by the transfer device an address of the user terminal comprises registering the user management number (Registering - Col. 7, line 49).

Re. Claims 20, Lazaridis anticipates a push-type information transmission method as in claim 19,

- wherein receiving information for the user terminal comprises receiving information and the user management number (Col. 7, line 7 – Col. 8, line 5);
- further comprising determining the network address for the user terminal by searching the database with the user management number to determine the correlated network address (Col. 3, lines 44-45; 49-60); and
- wherein calling the user terminal comprises calling the user terminal at the correlated work address (Col. 4, lines 5-9).

Re. Claims 21, Lazaridis anticipates a push-type information transmission method as in claim 1,

- wherein receiving information for the user terminal further comprises receiving a mailbox address (Col. 3, lines 9, 15; a mailbox address is inherent to e-mail); and
- wherein storing said information comprises storing said information at the mailbox address in the transfer device (Col. 1, line 59; the storage of e-mails at a mailbox address is inherent to e-mail systems).

Re. Claims 22, Lazaridis anticipates a push-type information transmission method as in claim 2,

- wherein receiving information for the user terminal comprises receiving information and the network address (Col. 4, lines 36-38; Col. 9, lines 41-47);
- wherein the request from said called user terminal comprises a telephone number of the user terminal (Col. 3, line 60; Col. 8, lines 3-4);
- further comprising comparing the telephone number in the request with the network address (supra); and

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- wherein transmitting the stored information comprises transmitting the stored information if at least a part of network address matches the telephone number in the request (Col. 3, line 1).

Re. Claims 36, Lazaridis anticipates a communication network comprising a plurality of information provider servers, a plurality of user terminals, and a transfer device for routing information transmission between said information provider servers and said user terminals, a push-type information transmission method comprising:

- registering the user terminals with the transfer device and the information provider server; and registering the information provider servers with the transfer device (The registrations in this claim are inherent to the teaching of Lazaridis. The details of the inherent process and logic are elaborated on in the rejection of claim 1, *supra*);
- receiving push-type information at the transfer device from an information provider server (Col. 8, lines 10 -14); and
- determining, by the transfer device, which user terminals to send the push-type information based on the registration of the user terminals and the information provider servers (Col. 7, line 53 – Col. 8, line 5).

Re. Claims 37, Lazaridis anticipates a push-type information transmission method as in claim 36, wherein determining which user terminals to send the push-type information comprises determining whether the information provider, from which the push-type information is received, is registered with the transfer device (Col. 7, lines 45-52).

Re. Claims 38, Lazaridis anticipates a push-type information transmission method as in claim 37, wherein determining which user terminals to send the push-type information further comprises determining that no user terminals are sent the push-type information if the information provider server is not registered with the transfer device (Col. 8, lines 6-37).

Re. Claims 40, Lazaridis anticipates a push-type information transmission method as in claim 36,

- wherein registering the user terminals comprises registering attributes of users of the user terminals (Col. 7, lines 38-52; col. 9, lines 41-58);

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- wherein receiving push-type information further comprises receiving attribute information of users designated as desired destinations (Col. 9, lines 41-58); and
- wherein determining which user terminals to send the push-type information comprises comparing the registered attributes of users with the designated user attribute information, and specifying user terminals which correspond to users having the designated attributes (Col. 7, line 38 – Col. 8, line 5; Col. 9, line 27 – Col. 10, line 4).

Re. Claims 41, Lazaridis anticipates a push-type information transmission method as in claim 36,

- further comprising calling the determined user terminals (Col. 11, lines 38-40); and
- transmitting from the transfer device the push-type information in response to requests from said called user terminals (Col. 8, lines 39-47).

Re. Claims 42, Lazaridis anticipates a communication network comprising an information provider server, a plurality of user terminals, and a transfer device for routing information transmission between said information provider server and said user terminals, a push-type information transmission method performed by said transfer device comprising:

- storing user terminal information (Col. 7, lines 53-58);
- receiving, from the information provider server, information to transmit to at least one of the user terminals and a user terminal identifier for identifying the at least one of the user terminals, wherein the user terminal identifier is other than a network address of a user terminal (Col. 10, lines 9-14);
- storing the transmitted information (Col. 10, line 61 – Col. 11, lines 2-3, partic. line 2);
- determining at least one user terminal to send the information to transmit based on the user terminal identifier and the user terminal information (Col. 12, lines 1-16); and
- sending the transmitted information to the determined user terminal (Col. 12, lines 56-64).

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Re. Claims 43, Lazaridis anticipates a push-type information transmission method as in claim 42, further comprising:

- calling the user terminal to request whether to transfer the information (Col. 35-40); and
- receiving a request from the user terminal to transfer the information (Col. 11, lines 38-40),
- wherein sending the transmitted information comprises sending the transmitted information in response to the request from the called user terminal (Col. 11, lines 35-40).

Re. Claims 44, Lazaridis anticipates a push-type information transmission method as in claim 42, wherein storing user terminal information comprises registering the user terminals with the transfer device (Col. 9, lines 41-47).

Re. Claims 45, Lazaridis anticipates a push-type information transmission method as in claim 44, wherein registering the user terminals comprises storing, for a specific user terminal, attributes of a user of the specific user terminal and a network address of the specific user terminal with the transfer device (Col. 9, lines 41-47).

Re. Claims 46, Lazaridis anticipates a push-type information transmission method as in claim 42, further comprising registering the user terminals with the information provider server (Col. 9, lines 41-47).

Re. Claims 47, Lazaridis anticipates a push-type information transmission method as in claim 46, wherein registering the user terminals with the information provider server comprises: receiving from the user terminal a network address of the user terminal; creating the user terminal identifier based on the network address; and sending the user terminal identifier to the information provider server (Col. 9, lines 41-58).

Re. Claims 49, Lazaridis anticipates a push-type information transmission method as in claim 42,

- wherein the stored user terminal information comprises stored attribute data for users of the user terminals (Col. 3, line 1);
- wherein the user terminal identifier comprises designated attributes (Col. 9, lines 41-58); and

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- wherein determining at least one user terminal comprises:
 - comparing the designated attributes with stored attribute data (supra); and
 - specifying network addresses of user terminals corresponding to users having the designated attributes (Col. 12, line 1 – Col. 14, line 30; Col. 9, line 46).

Re. Claims 55, Lazaridis anticipates a transfer device for routing information from an information provider server to a plurality of user terminals, the transfer device comprising:

- a database (Col. 7, line 44);
- an information managing portion for storing registration information from the user terminals and the information provider server in the database (Col. 7, line 44), and
- for determining which user terminal to transmit information to based on the stored registration information from the user terminals and the information provider server (Col. 3, lines 44-45; 49-60);
- an electronic mail managing portion comprising at least one mailbox for storing the information to be transmitted (inherent to electronic mailboxes); and
- a bus for connecting the information managing portion and the electronic mail managing portion (a bus an inherent hardware component of the computers in question).

Re. Claims 57, Lazaridis anticipates a transfer device of claim 55,

- wherein the registration information for the user terminals stored in the database comprises attributes of users of the user terminals (Col. 9, lines 41-58); and
- wherein the information managing portion receives designated attributes from the information provider server and determines user terminals which have attributes in the database that match the designated attributes (Col. 8, lines 10 –14; Col. 9, lines 41-58).

Re. Claims 58, Lazaridis anticipates a transfer device of claim 55, further comprising a system control portion for performing protocol conversion between a mobile packet communication network for the user terminals and an Internet for the information

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provider server (the system control is an inherent component of the system in question).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 7, 8, 9 & 23, 39, 48 & 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis as applied to claim 3 above, and further in view of Takahashi et al. (US Patent 6,260,027, hereafter Takahashi).

Re. **Claim 4**, Lazaridis discloses a push-type information transmission method, further comprising

- registering a network addresses of the user terminals with the transfer device (users are the transfer device's own customers), wherein storing identification information comprises storing the network addresses of the user terminal (Col. 3, lines 42-45); and
- wherein sending the modified identification information to the information provider server comprises sending the user management numbers to the information provider server (Col. 9, lines 41-58).

Lazaridis does not explicitly disclose a push-type information transmission method wherein modifying the identification information comprises assigning user management numbers to the network addresses. However, Takahashi discloses a management number scheme for keeping track of a plurality of items of a similar kind (Col. 23, lines 33-34). Management numbers are generic identification numbers (i.e. ID) which have been a ubiquitous device used throughout the millennia to keep track of things and to also provide simple protection for the identity of something. It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to

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have combined the art of Lararidis with the ubiquitous practice disclosed by Takahashi for the purpose of providing some protection for user telephone numbers while also obtaining the efficiencies of a management numbering or ID system.

Re. Claim 23, Lazaridis discloses a push-type information transmission method as in claim 19,

- wherein the request from said called user terminal comprises a telephone number of the user terminal (supra);
- further comprising comparing the telephone number in the request with a telephone number correlated to the user information received from the information provider (Col. 12, line 1 – Col. 14, line 30); and
- wherein transmitting the stored information comprises transmitting the stored information if at least a part of telephone number correlated to the user management number received from the information provider matches the telephone number in the request (Col. 3, line 1; Col. 9, line 65).

Lazaridis does not explicitly disclose the use of a management number.

(Applicant defines the “user management number” as “user identity information having a one-to-one correspondence with the telephone number in the user information managing portion U-MAX” and that the “user management number is used to avoid the telephone number from being sent outside the packet communication network MPN” (Amended Specification, Page 19, lines 7-11). However, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant’s context is merely an application of a ubiquitous identification numbering system in use for millennia. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Takahashi and the experience of millennia to implement an efficient, automated, user controlled push type system of information mail making use of user management numbering system for efficiency and to protect the user’s telephone number.

Re. Claim 39, Lazaridis discloses a push-type information transmission method as in claim 36,

- wherein registering the user terminals comprises registering network addresses of the user terminals (Col. 7, lines 38-52);
- wherein receiving push-type information further comprises receiving at least one user management number, the user management number for designating at least one user terminal and is other than the registered network addresses of the user terminals (Col. 9, lines 26-42);
- wherein determining which user terminals to send the push-type information comprises selecting a network address from a list of registered addresses based on the user management number (Col. 9, lines 41 – Col. 10, line 4).

Lazaridis does not explicitly disclose the use of a management number. However, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant's context is merely an application of a ubiquitous identification numbering system in use for millennia. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Takahashi and the experience of millennia to implement an efficient, automated, user controlled push type system of information mail making use of user management numbering system for efficiency and to protect the user's telephone number.

Re. Claim 48, Lazaridis does not explicitly disclose a push-type information transmission method, wherein the user terminal identifier is a user management number; and wherein creating the user terminal identifier based on the network address comprises selecting the user management number; and creating a one-to-one correspondence between the user management number and the network address for the user terminal. However, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant's context is merely an application of a ubiquitous identification numbering system in use for millennia. Hence, it would have been obvious to an ordinary practitioner of the art at the time of

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the invention to make use of the teachings of Lazaridis, Takahashi and the experience of millennia to implement an efficient, automated, user controlled push type system of information mail making use of user management numbering system for wherein the user terminal identifier is a user management number; and wherein creating the user terminal identifier based on the network address comprises selecting the user management number; and creating a one-to-one correspondence between the user management number and the network address for the user terminal for efficiency and to protect the user's telephone number.

Re. Claim 56, Lazaridis discloses a transfer device of claim 55,

- wherein the registration information for the user terminals stored in the database comprises telephone numbers of the user terminals (Col. 3, line 60; Col. 8, lines 3-4).

Lazaridis does not explicitly disclose the use of a management number, including the details of the information managing portion receiving the user management numbers from the information provider server and converting the user management numbers into telephone numbers based on the database. However, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant's context is merely an application of a ubiquitous identification numbering system in use for millennia. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Takahashi and the experience of millennia to implement an efficient, automated, user controlled push type system of information mail making use of user management numbering system for efficiency and to protect the user's telephone number.

Re. Claim 62, Lazaridis discloses a mobile terminal device for receiving information from an information provider server via a transfer device, the mobile terminal device comprising:

- requesting means for requesting registration of the user terminal at the transfer device and the information provider device (Col. 7, line 7 – Col. 8, line 5),

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- the registration at the transfer device comprising registering a telephone number of the user terminal (Col. 7, lines 45-52), and
- receiving means for receiving information (Col. 7, line 7 – Col. 8, line 5),
- the information provider server sending the information (Col. 3, line 9), and
- sending the information to the receiving means (Col. 8, lines 39-47).

Lazaridis does not explicitly disclose the use of a management number. However, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant's context is merely an application of a ubiquitous identification numbering system in use for millennia. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis and Takahashi to implement an efficient, automated, user controlled push type system of information mail making use of user management numbering system for efficiency and to protect the user's telephone number.

3. Claims 5, 6, 13 & 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Henrick et al. (US Patent 6,055,5120, hereafter Henrick).

Re. Claims 5&13, Lazaridis discloses a communication network comprising an information provider server, a plurality of user terminals, and a transfer device for routing information transmission between said information provider server and said user terminals, a push-type information transmission method and related memory means for performed by said transfer device comprising:

- storing user attribute data of users and network addresses of the user terminals in correspondence (Storing – Col. 8, line 6; Col. 9, lines 41-42, 53-56; Storing of User Attribute Data – Col. 9, lines 41- 58, particularly in I. 42 (“maintains a user profile”) and II. 53-58 (“.... user data stored at the server”));
- storing said received information (Col. 4, lines 36-38);
- comparing said stored user attribute data and the designated user attribute data, and specifying network addresses of user terminals corresponding to users having the designated attributes (Col. 3, line 42 – Col. 4, line 4; Col. 6, I.

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63 – Col. 7, l. 8. The comparing and specifying steps are essential inherent steps in Lazaridis' teaching, without which no message could be forwarded to any user.);

- o calling the specified user terminals (Col. 4, lines 5-9); and
- o sending the stored information mail in response to requests from said called user terminals (Col. 2, lines 54-58; Col. 3, lines 14-17).

Lazaridis does not explicitly disclose receiving information supplied from said information provider server together with attribute information of users designated as desired destinations. However, Henrick discloses receiving information supplied from said information provider server together with attribute information of users designated as desired destinations (Col. 2, ll. 4-20, 21-54; Col. 3, ll. 2 – Col. 4, l. 3). Henrick discloses the providing of user group attributes by an ISP to an IP who will pay the ISP to transmit information to the user group(s) the IP chooses. Implicit is the IP's transmitting the user attributes he is interested in communicating to. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Lazaridis with that of Henrick for the purpose of enabling information promoters such as merchandisers and service providers to market their products to network users while also serving those users who are interested in the information being presented to them.

Re. Claims 6, Lazaridis discloses a push-type information transmission method as in claim 5, wherein said user terminal comprises a step of

- o pre-accessing said information provider server and registering an address with said information provider server as a registration procedure for receiving an information transmission service offered by said information provider server (Col. 7, line 38 – Col. 8, line 5, particularly Col. 7, line 49), and
- o said transfer device calls user terminals which have completed said registration (Col. 4, lines 5-9).

Re. Claims 61, Lazaridis discloses an information provider server in an Internet sending information to a plurality of user terminals in a mobile telephone network via a transfer device, the information provider server comprising:

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- o providing means for providing information to the user terminals by forwarding to the transfer device the information with the identified set of attributes so that the transfer device specifies addresses of the user terminals corresponding to users having the identified set of attributes (the providing means is an obvious component of the means in the Lazaridis teaching because the ISP is receiving back the attribute information of its own customer user terminals.).

Lazaridis does not explicitly disclose identifying means for identifying a set of attributes with respect to users of the user terminals for purposes of providing information services. However, Henrick discloses identifying means for identifying a set of attributes with respect to users of the user terminals for purposes of providing information services (Col. 3, ll. 2-65). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the teachings of Lazaridis and Henrick in order to implement an efficient, automated, user controlled push type system of information providing method by making use of a system which protects users from unwanted and unsolicited information while enabling merchandisers and service providers the opportunity to present their marketing messages to network users without invading their privacy (Henrick, Col. 1, ll. 26-30).

4. Claims 7-10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis and Henrick as applied to claims 1-6 and 11-13 above, and further in view of Haff (US Patent 6,442,571 B1, hereafter Haff).

Re. **Claim 7** as it depends from claim 6, Lazaridis discloses a push-type information transmission method and related device in a communication network with certain limitations, as described above.

Lazaridis does not explicitly disclose a push-type information transmission method wherein said information provider server belongs to a first communication network which follows a first communication protocol, said plurality of user terminals belong to a second communication network which follows a second communication protocol different from said first communication protocol; and said transfer device is a gateway for converting between said first and second communication protocols and routing the

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exchange of said information. However, Haff discloses a push-type information transmission method, wherein said server device belongs to a first communication network which follows a first communication protocol, said plurality of user terminals belong to a second communication network which follows a second communication protocol different from said first communication protocol; and said transfer device is a gateway for converting between said first and second communication protocols and routing the exchange of said information mail (Col. 7, line 66 - Col. 8, line 7). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail to selectively provide information with the above described protocols through a routing device to users according to users' predetermined menus and preapproval of each information transmission upon being notified through a call that the information transmission is available.

Re. Claim 8, Lazaridis does not explicitly disclose a push-type information transmission method and related device, wherein said plurality of user terminals are given first network addresses used only on said first communication network and are discriminated on said first communication network by second network addresses which have a one-to-one correspondence with said first network addresses in said second communication network; and said transfer device converts between said second network addresses in said first communication network and said first network addresses in said second communication network. Haff discloses a push-type information transmission method and related device, wherein said plurality of user terminals are given first network addresses used only on said first communication network and are discriminated on said first communication network by second network addresses which have a one-to-one correspondence with said first network addresses in said second communication network; and said transfer device converts between said second network addresses in said first communication network and said first network addresses in said second communication network (Col. 3, line 66 - Col. 8, line 7). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of

the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail wherein said plurality of user terminals are given first network addresses used only on said first communication network and are discriminated on said first communication network by second network addresses which have a one-to-one correspondence with said first network addresses in said second communication network; and said transfer device converts between said second network addresses in said first communication network and said first network addresses in said second communication network.

Re. **Claim 9**, Lazaridis does not explicitly disclose a push-type information transmission method and related device, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network device to which are allotted identification information for identifying an absolute address in the network. Haff discloses a push-type information transmission method and related device, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network device to which are allotted identification information for identifying an absolute address in the network (Col. 6, lines 3-11). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network device to which are allotted identification information for identifying an absolute address in the network.

Re. **Claim 10**, Lazaridis does not explicitly disclose a push-type information transmission method and related device wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile stations; and said first communication network is the Internet. Haff discloses a push-type information transmission method and related device, wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile stations; and said first communication network is the

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Internet (Col. 21, lines 22-27). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile stations; and said first communication network is the Internet.

Re. **Claim 14**, neither Lazaridis nor Henrick explicitly disclose a push-type information transmission method and related device wherein said information provider server belongs to a first communication network which follows a first communication protocol, and said plurality of user terminals belong to a second communication network which follows a second communication protocol different from that of said first communication network; and further comprising protocol converter for converting between said first and second protocols. Haff discloses a transfer device, wherein said information provider server belongs to a first communication network which follows a first communication protocol, and said plurality of user terminals belong to a second communication network which follows a second communication protocol different from that of said first communication network; and further comprising protocol converter for converting between said first and second protocols (Col. 3, line 66 - Col. 8, line 7). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail wherein said information provider server belongs to a first communication network which follows a first communication protocol, and said plurality of user terminals belong to a second communication network which follows a second communication protocol different from that of said first communication network; and further comprising protocol converter for converting between said first and second protocols.

Re. **Claim 15**, neither Lazaridis nor Henrick explicitly disclose a push-type information transmission method and related device, wherein said plurality of user terminals are given first network addresses used only on said first communication network and are discriminated on said first communication network by second network addresses which

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have a one-to-one correspondence with said first network addresses in said second communication network; and said transfer device converts between said second network addresses in said first communication network and said first network addresses in said second communication network. Haff discloses a push-type information transmission method and related device, wherein said plurality of user terminals are given first network addresses used only on said first communication network and are discriminated on said first communication network by second network addresses which have a one-to-one correspondence with said first network addresses in said second communication network; and said transfer device converts between said second network addresses in said first communication network and said first network addresses in said second communication network (Col. 3, line 66 - Col. 8, line 7). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail wherein said plurality of user terminals are given first network addresses used only on said first communication network and are discriminated on said first communication network by second network addresses which have a one-to-one correspondence with said first network addresses in said second communication network; and said transfer device converts between said second network addresses in said first communication network and said first network addresses in said second communication network.

Re. **Claim 16**, neither Lazaridis nor Henrick explicitly disclose a push-type information transmission method and related device, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network device to which are allotted identification information for identifying an absolute address in the network. Haff discloses a push-type information transmission method and related device, wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network device to which are allotted identification information for identifying an absolute address in the network (Col. 6, lines 3-11). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make

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use of the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail wherein said second communication network is a local network accommodating specific user terminals; and said first communication network is a global network device to which are allotted identification information for identifying an absolute address in the network.

Re. **Claim 17**, neither Lazaridis nor Henrick explicitly disclose a push-type information transmission method and related device wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile stations; and said first communication network is the Internet. Haff discloses a push-type information transmission method and related device, wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile stations; and said first communication network is the Internet (Col. 21, lines 22-27). Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Henrick and Haff to implement an efficient, automated, user controlled push type system of information mail wherein said second communication network is a mobile communication network accommodating a plurality of user terminals which are mobile stations; and said first communication network is the Internet.

5. Claims 24-32, 34&35 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Kamakura et al. (US Patent 6,047,310, henceforth Kamakura).

Re. **Claims 24&50**, Lazaridis discloses a communication network comprising a plurality of information provider servers, a plurality of user terminals, and a transfer device for routing information transmission between said information provider servers and said user terminals, a push-type information transmission method performed by said transfer device comprising:

- o receiving, from an information provider server, push-type information for transmitting to at least one user terminal (Col. 4, lines 36-38; Col. 7, lines 38-42; Col. 9, lines 41-47);

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- o determining whether the information provider server is registered with the transfer device (Col. 3, lines 44-45; 49-60; Col. 7, lines 45-52).

However, Lazaridis does not explicitly disclose rejecting the push-type information if the information provider is not registered with the transfer device. However, Kamakura discloses rejecting push-type information at a transfer device if the information provider is not registered with the transfer device (Col. 11, ll. 1-40). The simple logic is that if registration of an incoming network address is required, an unregistered information provider's push-type information will be rejected. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis with the teachings of Kamakura in order to reduce the burden of users and their ISP's by limiting the amount of push-type information messages accepted by an ISP and forwarded to users (Kamakura, Col. 1, ll. 36-44).

Re. Claims 25, Lazaridis discloses a push-type information transmission method as in claim 24, wherein rejecting the push-type information comprises disposing of the push-type information (Col. 8, lines 29-30).

Re. Claims 26, Lazaridis discloses a push-type information transmission method as in claim 24, wherein the transfer device receives a network address of the information provider server; and wherein determining whether the information provider server is registered with the transfer device comprises comparing the network address of the information provider server with a list of network addresses of registered information provider servers (Col. 8, lines 10 -14).

Re. Claims 27, Lazaridis discloses a push-type information transmission method as in claim 26, further comprising registering, by the information provider server, the network address for the information provider server in the list of network addresses, wherein registering is performed prior to receiving the push-type information (Col. 7, lines 38 – Col. 8, line 5).

Re. Claims 28, Lazaridis discloses a push-type information transmission method as in claim 26, further comprising storing the push-type information if the information provider server is registered (Col. 7, lines 43-44; Col. 9, lines 53-56).

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Re. Claims 28, Lazaridis discloses a push-type information transmission method as in claim 26, further comprising determining at least one user terminal to transmit the push-type information if the information provider server is registered with the transfer device (Col. 7, line 53 – Col. 8, line 5).

Re. Claims 30, Lazaridis discloses a push-type information transmission method as in claim 29, further comprising:

calling the user terminal (Col. 11, lines 38-40);

receiving a request from the user terminal to send the information; and sending the information to the user terminal after receiving the request (Col. 8, lines 39-47).

Re. Claims 31, Lazaridis anticipates a push-type information transmission method as in claim 24, wherein receiving push-type information further comprises receiving information for identifying at least one user terminal (Col. 7, line 53 – Col. 8, line 5).

Re. Claims 32, Lazaridis discloses a push-type information transmission method as in claim 31, further comprising registering the user terminals; and wherein determining at least one user terminal is based on the information for identifying at least one user terminal and the registration of the user terminals (Col. 7, line 7 – Col. 8, line 5).

Re. Claims 34, Lazaridis discloses a push-type information transmission method as in claim 32,

- wherein registering the user terminals comprises registering attributes of users of the user terminals (Col. 9, lines 41-58);
- wherein the information for identifying at least one terminal comprises attribute information of users designated as desired destinations (Col. 9, lines 48-58); and
- wherein determining at least one terminal comprises comparing the registered attributes of users with the designated user attribute information, and specifying user terminals which correspond to users having the designated attributes (Col. 12, line 1 – Col. 14, line 30; Col. 9, line 46).

Re. Claims 35, Lazaridis discloses a push-type information transmission method as in claim 34,

- wherein registering the user terminals further comprises registering telephone numbers of the user terminals, a telephone number of a specific user terminal being

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correlated to attributes of a user of the specific user terminal (Col. 7, line 64 – Col. 8, line 5); and

- wherein specifying user terminals comprises specifying telephone numbers of user terminals which correspond to users having the designated attributes (Col. 7, line 64 – Col. 8, line 5).
- provider is not registered with the transfer device (Col. 8, lines 6-37).

Re. Claims 51, Lazaridis discloses a transfer device of claim 50, wherein the programming code for rejecting the push-type information comprises programming code for disposing of the push-type information (the programming code is inherent).

Re. Claims 52, Lazaridis discloses a transfer device of claim 50,

- wherein the transfer device receives a network address of the information provider server (Col. 8, lines 10 -14); and
- wherein the programming code for determining whether the information provider server is registered with the transfer device comprises programming code for comparing the network address of the information provider server with a list of network addresses of registered information provider servers (the programming code is inherent).

Re. Claims 53, Lazaridis discloses a transfer device of claim 52, further comprising programming code for registering, by the information provider server, the network address for the information provider server in the list of network addresses (the programming code is inherent).

Re. Claims 54, Lazaridis discloses a transfer device of claim 52, further comprising programming code for storing the push-type information if the information provider server is registered (the programming code is inherent).

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis and Kamakura as applied to claim 24 above, and further in view of Takahashi.

Re. Claim 33, Lazaridis discloses a push-type information transmission method as in claim 32,

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- wherein the information for identifying at least one terminal comprises a user management number (Col. 7, lines 49-52;
- wherein registering the user terminals comprises registering a network addresses of the user terminals (Col. 7, line 17); and
- wherein determining at least one user terminal comprises selecting a network address from a list of registered addresses based on the user management number (Col. 7, lines 31-34, 41; Col. 8, lines 6-17; Col. 9, lines 56-66).

Lazaridis does not explicitly disclose the use of a management number. However, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant's context is merely an application of a ubiquitous identification numbering system in use for millennia. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Kamakura and Takahashi to implement an efficient, automated, user controlled push type system of information mail making use of user management numbering system for efficiency and to protect the user's telephone number.

7. Claim 59 & 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Henrick and Takahashi.

Re. Claim 59, Lazaridis discloses an information provider server in an Internet sending information to a plurality of user terminals in a mobile telephone network via a transfer device acting as a gateway, the information provider server comprising:

- the user management numbers being received from the transfer device and having a one-on-one correspondence with the telephone numbers of the user terminals (Col. 7, line 7 – Col. 8, line 5. Lazaridis teaches the use of mobile telephones (Col. 6, l. 40)); and
- providing means for providing information services to the user terminals via the transfer device in response to requests from registered user terminals (Col. 7, lines 45-52).

Lazaridis does not explicitly disclose the use of

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- registration means for registering user management numbers of the user terminals with the information provider server; and
- management numbers and their one-to-one correspondence with telephone numbers of the user terminals.

However, it is obvious in Henrick's disclosure that registration means for registering user management numbers of the user terminals are provided with the information provider server because this information is provided to the IP for each user group which the IP pays to have a message transmitted to (Col. 3, ll. 2-63), even though Henrick discloses a method in which the user's identity is shielded from the IP until a user has chosen to respond to an IP's message. Also, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant's context is merely an application of a well known and ubiquitous identification numbering system. Further, the one-to-one correspondence with user telephone numbers is an inherent aspect of using the management numbers, since that is really their primary purpose. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make use of the teachings of Lazaridis, Henrick and Takahashi to implement an efficient, automated, user controlled push type system of information mail making use of a user management numbering system which protects users from unwanted and unsolicited information while enabling merchandisers and service providers the opportunity to present their marketing messages to network users without invading their privacy (Henrick, Col. 1, ll. 26-30).

Re. Claim 60, Lazaridis discloses an information provider server of claim 59, wherein the registration means comprises receiving means for receiving the user management numbers from the transfer device (Col. 3, line 9).

Neither Lazaridis nor Henrick explicitly disclose the use of a management number. However, Takahashi discloses the use of a management number (Col. 23, line 33). Also, a user management number in applicant's context is merely an application of a ubiquitous identification numbering system in use for millennia. Hence, it would have been obvious to an ordinary practitioner of the art at the time of the invention to make

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use of the teachings of Lazaridis, Henrick and Takahashi to implement an efficient, automated, user controlled push type system of information mail making use of user management numbering system for efficiency and to protect the user's telephone number.

8. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis.

Re. Claims 63, Lazaridis discloses a mobile terminal device for receiving information from an information provider server via a transfer device, the mobile terminal device comprising:

- the registration at the transfer device comprising registering attributes of a user of the user terminal and a telephone number of the user terminal (Col. 7, line 7 – Col. 8, line 5); and
- receiving means for receiving information (Col. 7, line 7 – Col. 8, line 5),
- the information provider server sending the information and designated attributes to the transfer device (Col. 9, lines 41-58),
- the transfer device sending the information to the receiving means if the designated attributes match at least some of the registered attributes (Col. 8, lines 39-47).

Lazaridis does not explicitly disclose requesting means for requesting registration of the user terminal at the transfer device. However, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention based on his knowledge of the art to know that the requesting means for requesting registration of the user terminal at the transfer device is a part of the Lazaridis teaching since the disclosed invention would not operate without having a requesting means for requesting registration of the user terminal, the user being the transfer device's own customer. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of the invention to use the teachings of Lazaridis in order to implement an efficient, automated, user controlled push type system of information providing by making use of a system which permits a user to assert control over the reception of

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pushed information from Information providers through the user's ISP transfer device.

Response to Arguments

9. Applicant's arguments filed July 7, 2003 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 5, 13, 24, 50, 59, 61 and 63 have been considered but are moot in view of the new ground(s) of rejection.

A. REFERENCES IN THEIR ENTIRETY: Applicant is reminded that the entire content of a reference applies as the reference, not just the cited portions. The Examiner offers the following detail as an accommodation to the Applicant.

B. ARGUMENTS AGAINST REJECTIONS OF CLAIMED FEATURES:

Re. Claims 1 & 11: As explained, supra, the inherent nature of registering network addresses in a communications transmission process such as taught by Lazaridis is explained and documented with the Kamakura et al. reference.

Re. Claim 3 & 12: Lazaridis clearly teaches the modification of identification information of the user terminals to the information provider, as cited in the expanded reference lines (supra). Also, Lazaridis clearly teaches the calling of a relevant user terminal under appropriate trigger circumstances as cited (supra). Lazaridis includes many hardware options, such as a mobile telephone, and provides for the trigger steps for such a call.

Re. Claim 36: One of ordinary skill in the art at the time of Applicant's invention would have found that the registration steps in this claim are inherent to the Lazaridis teaching.

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This is further explained in the rejection of claim 36 (*supra*) and is related to the more detailed explanation of inherency in the rejection of claim 1 (*supra*).

Re. Claim 42: First, the receiving of a user terminal identifier is inherent in the Lazaridis disclosure because the push-type transmission to the user through the transfer device from the IP would not be possible without the user identifier information being received by the transfer device for routing to the user. The remainder of the logic is contained in the rejection of claim 1 under the subject of registration, *supra*). Second, the inherency in Lazaridis of determining at least one user terminal to transmit to based on the user terminal identifier is based on the same logic as the logic of the receiving and registration inherency, *supra*.

Re. Claim 55: The registrations in this claim are inherent to the teaching of Lazaridis. This claim involves the transfer of data between two computers over a network. One of ordinary skill in the art would have known the long established protocols and means for successfully accomplishing such a data transfer. Additional support for the rationale behind this rejection is contained in the rejection of claim 1, *supra*.

Re. Claim 62: The use of the management number would have been obvious to an ordinary practitioner of the art at the time of applicant's invention by observing the Takahashi disclosure and applying the underlying concept to Applicant's invention as described in claim 62. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the

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claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is clear for an ordinary practitioner of the art to have made at the time of Applicant's invention. A motivation for the practitioner would have been to bring to market an efficient push-type information transmission method and transfer device containing the greatest possible amount of features in order to have the most saleable product possible for the purpose of obtaining the greatest possible financial rewards from the invention. Lazaridis expresses numerous motivations in Col. 2, ll. 28-50, among which is a user controlled method for pushing data to a user's mobile device, the primary type of which at the time were mobile telephones. This is a motivation to protect the user by giving him certain controls over the electronic process which delivers pushed and pulled information to him.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

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Any response to this action should be mailed to:

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or faxed to:


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SEC

June 11, 2004


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